Uniform election procedure for PRIS

†3104. SHRI RUDRA NARAYAN PANY: Will the Minister of PANCHAYATI RAJ be pleased to state:

(a) whether the three tier election procedure for Panchayats is uniform in the whole country;

(b) whether the Centre issues certain guidelines to States regarding election procedure; and

(c) whether Govemment are having any proposal to confer more powers to Panchayati Raj Institutions (PRIs) such as Gram Panchayats, Panchayat Samities (elected body at block level) and district Panchayats?

THE MINISTER OF PANCHAYATI RAJ (SHRI MANI SHANKAR AIYAR): (a) All matters relating to Panchayat Elections have been vested by the Constitution in the State Legislatures/Governments. It is felt that there is need to work towards commonality, if not uniformity, in election procedures and provisions. Accordingly, as per the decisions taken in the 6th Round Table of the Ministers incharge of Panchayati Raj held at Guwahati from 27-28th November 2004, the Ministry of Panchayati Raj has prepared a Model Panchayat Election Bill in consultation with the Conference of State Election Commissioners and got it vetted by the Legislative Department of the Ministry of Law and Justice. The Model Bill is being sent to State Governments for their consideration and adoption.

(b) The Hon'ble Supreme Court of India in its judgment in Kishansing Tomar Vs. Municipal Corporation of the City of Ahmedabad and others in the case of civil appeal 5756 of 2005 regarding Municipaiities/Panchayats elections have ordered that elections to Panchayats or municipalities should be held within the time-frame mandated in the Constitution. If the State Election Commission feele that it is not receiving cooperation from the State Government concerned in discharging its Constitutional obligations, it can approach the High Court in the first instance and thereafter the Supreme Court for a writ of mandamus directing the State Government concerned to provide all necessary cooperation and assistance to the State Election Commission so that it can fulfill its Constitutional mandate. The judgement of the Hon'ble Supreme Court has been circulated to the Panchayati Raj Secretaries of all State Governments.

†Original notice of the question was received in Hindi.

(c) No, Sir. The powers to be vested on the PRIs are enshrined in Part IX of the Constitution. The Ministry of Panchayati Raj continues to imhpress upon State Governments, through a process of mutual consultations and consensus, the need to devolve powers to Panchayati Raj Institutions as mandated by the Constitution. Considerable progress has been registered in this regard over the last three years, details of which are available in the Report on "The State of Panchayats- A Mid-Term Review and Appraisal" tabled in both Houses of Parliament on 23 November 2006.

PESA Act 1996 in Chhattisgarh

3105. SHRI NANDI YELLAIAH: Will the Minister of PANCHAYATI RAJ be pleased to state:

(a) the details of law pertaining to provisions of Panchayats (Extension to the Scheduled Areas) Act of 1996;

(b) present status of implementation of the Act and the recommendations submitted by the Scheduled Tribes Commission to the Union Government on 16th July, 2004 with regard to Dantewara District, Bastar of Chhattisgarh and all the other Tribal Districts of Chhattisgarh, Orissa and Andhra Pradesh;

(c) whether Government would constitute a Parliamentary Committee for studying the grave situation of Tribal population in India through various angles for immediate policy and executive measures; and

(d) if not, the reasons therefor?

THE MINISTER OF PANCHAYATI RAJ (SHRI MANI SHANKAR AIYAR): (a) The Constitution (Seventy-third Amendment) Act, 1992, by which a new Part IX was added in the Constitution to enshrine therein certain basic and essential features of the Panchayati Raj Institutions (PRIs) to impart certainty, continuity and strength to them, came into force on 24-4-1993.

The bulk of the tribal population lives in Fifth Schedule and Sixth Schedule Areas. These are described in the Constitution as Scheduled Areas and Tribal Areas, respectively. In so far as these Areas are concerned, Article 243M (4) (b) in Part IX of the Constitution, provides that Parliamenatry may, by law, extend the provisions of Part IX to these Areas subject to such exceptions and modifications as may be specified in such law. There